

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                     |   |                               |
|-------------------------------------|---|-------------------------------|
| _____                               | ) |                               |
| IN RE PHARMACEUTICAL INDUSTRY       | ) |                               |
| AVERAGE WHOLESALE PRICE             | ) |                               |
| LITIGATION                          | ) | MDL NO. 1456                  |
| _____                               | ) |                               |
|                                     | ) | CIVIL ACTION NO. 01-12257-PBS |
| THIS DOCUMENT RELATES TO:           | ) |                               |
|                                     | ) |                               |
| <i>State of Nevada v. American</i>  | ) |                               |
| <i>Home Products Corp., et al.,</i> | ) |                               |
| Civil Action No. 02-12086-PBS       | ) |                               |
| and                                 | ) |                               |
| <i>State of Montana v. Abbott</i>   | ) |                               |
| <i>Labs, Inc., et al.,</i>          | ) |                               |
| Civil Action No. 02-12084-PBS       | ) |                               |
| _____                               | ) |                               |

**ORDER**

September 19, 2003

Saris, U.S.D.J.

After reviewing the State of Nevada's Amended Complaint, the State of Montana's Second Amended Complaint, and the Amended Master Consolidated Complaint, I **DENY** the motion to maintain the confidentiality of the information highlighted in pink on the ground that the defendants have failed to demonstrate good cause. The information was either disseminated to the attendees of an oncology seminar (see e.g., Nevada Am. Compl. ¶ 226) or not current. (See id. at ¶ 294, containing information from the year 1997).

My one hesitation involves the pricing information in the 2000 Manufacturer Listing of Pharmaceutical Awards. (See e.g.

Montana Second Amended Compl., ¶¶ 224-5). It is unclear what that listing is, when it was generated, and to whom it was distributed. If defendants seek to maintain its confidentiality, they should supplement with an affidavit within one week.

A handwritten signature in cursive script, appearing to read "Patti B. Saris", is written over a horizontal line.

PATTI B. SARIS  
United States District Judge